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SUBJECT: Latvian Parliament passes law to regulate Presidential election

¶1. Summary: On May 3, two months before the July 7 expiration of the term of office of President Vaira Vike-Freiberga, the Saeima (parliament) unanimously passed the Presidential Election Law initiated by the serving President. The new law, apart from expanding the eligibility criteria provided by the Constitution, outlines procedures for the presidential nomination, repeated and extraordinary elections. The upcoming presidential elections, which are expected to take place on June 6, will be regulated by the new law. Since the ruling coalition has not managed to agree on fielding a common candidate for the first round of elections, it is possible that no winner will be decided that day and a second round of balloting will be required, likely the week of June 17. End summary..

¶2. The four presidential elections which have taken place since Latvia regained independence in 1991 have been regulated by general provisions provided by the Constitution and tradition. President Vike-Freiberga suggested that a more orderly process was needed and proposed legislation, which was adopted without much change. The new law reiterates the Constitutional requirements for the President; the candidate must be age 40 and cannot be a dual citizen. The law adds seven disqualifying conditions, including a ban on service in the security services of the USSR, Soviet Socialist Republic of Latvia or any foreign country, or membership in the Communist party or affiliated groups after January 13, 1991.

¶3. The law also provides a calendar for the process. We have provided the dates in which these events will fall in this cycle based on the July 7 expiration of Vike-Freiberga's term. Nominations for post of the President are made by members of Parliament and shall be submitted to the Saeima Presidium in writing not earlier than 50 days (19 May) and not later than 45 (24 May) days before the expiration of the term of an outgoing President. The Saeima's Presidium is responsible for setting a day for the Saeima to vote on the candidates not earlier than 40 days (29 May) and not later than 30 days (8 June) before the expiration of the term of an outgoing President. Parliamentary and political sources all say the vote will take place on June 6.

¶4. The Constitution requires an absolute majority of 51 votes in the 100-member Saeima to elect the President. According to the law, on a single day of voting repeated rounds of balloting are to be held if any of the candidates fails to collect 51 votes, with the candidate getting the least number of votes in each round being dropped from the next round. As lawmakers can submit blank ballots and the ruling coalition has not yet agreed on a single candidate, it is possible that no candidate will emerge victorious on June 6. In that case, the process starts over again. New nominations would have to be made not later than 5 days after the last round of the elections, or June 12 based on the current calendar. Candidates who were eliminated in the first round of voting can be nominated again. The Saeima Presidium convenes a Saeima session for new elections not earlier than 10 days (17 June) and not later than 15 days (22 June) after the last election round. The elections are repeated in compliance with the above mentioned procedure until a candidate receives 51 votes.

¶5. The law also provides for procedures for extraordinary presidential elections to be held in the event that the sitting President resigns, dies or is removed from office. Previously, Latvia had no legal arrangements for selecting a new President in these situations.

¶6. Comment: Until now the only effective legal norms regulating presidential elections have been provided by the Constitution. The repeated calls of President Vike-Freiberga to set clear procedures and deadlines for presidential elections were ignored by politicians until the President exercised her rights to order a national referendum concerning the controversial amendments to the security laws in March. In response, the Saeima not only abolished the adopted amendments to the security laws, but also adopted the Presidential Election Law. While the law was designed to increase transparency in the election process and allow for greater public discussion of candidates, there remains little clarity about who the candidates will be. To date, only the coalition-leading People's Party (TP) and opposition New Era (JL) have put forward names. TP has nominated Maris Riekstins, former Latvian Ambassador to the US and current chief of staff to the Prime Minister. JL has put forward former FM and EU commissioner Sandra Kalniete. Other names that have surfaced include EU Commissioner Andris Piebalgs, President of the Bank of Latvia Ilmars Rimsevics, judge of the European Court of Justice Egils Levits, former Chair of the Constitutional Court Aivars Endzins, Chair of the Supreme Court Andris Gulans, and head of the Latvian Institute Ojars Kalnins. However, none of these candidates have been openly supported by any political party.

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